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February 17, 2023

By ECF

Honorable James R. Cho
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: **Shaiful Chowdhury v. City of New York, et al.**
21-CV-962 (ARR) (JRC)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney for defendant the City of New York in the above-referenced action.¹ The parties submit this joint status letter advising the Court of the conclusion of plaintiff's underlying criminal case and proposing a schedule for amended pleadings.

This matter has been stayed pending the resolution of plaintiff's underlying criminal case, the arrest for which forms the basis of this 42 U.S.C. § 1983 action. Plaintiff has represented that his underlying criminal proceeding was dismissed on January 11, 2023; accordingly, the stay in this case can now be lifted. Plaintiff also represents that he intends to amend the complaint in this action to add a claim of malicious prosecution and he anticipates adding several new defendants as well.

Because plaintiff represents that the criminal case was dismissed in his favor, the parties have already conferred about a release to obtain sealed records of plaintiff's arrest and prosecution, and plaintiff provided that signed release earlier this week. The parties have also discussed a timeline for amending the pleadings and propose the following schedule regarding same:

¹ This Office has not made a representation decision regarding individual defendant Kerry Plawiak because this case was stayed before defendant Plawiak's deadline to respond to the Complaint.

Plaintiff will send defendant City a copy of his proposed Amended Complaint by March 15, 2023. The City will respond to plaintiff in writing indicating its position on consent to the proposed amendment(s) by March 22, 2023. Plaintiff will file either an Amended Complaint, or a motion for leave to amend, by March 29, 2023. If plaintiff files an Amended Complaint on consent, all defendants' responses to the Amended Complaint will be due 30 days after the last newly-added defendant is served with process.

Accordingly, the stay in this case can now be lifted and the parties are prepared to proceed with amended pleadings as proposed above.

The parties thank the Court for its consideration herein.

Respectfully submitted,

Evan J. Gottstein /s/
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Assistant Corporation Counsel
Special Federal Litigation Division

cc: *All Counsel of Record (Via ECF)*